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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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Amendment of Section 73.202(b).	)	
Table of Allotments	)	MM Docket 95-25
FM Broadcast Stations	)	RM-8588
(Waldport, Oregon)	)	

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**REPLY COMMENT**

In response to a "Counterproposal" from a Ginna Jones, by her attorney Margaret L. Tobey, P.C. (Akin, Gump, Strauss, Hauer & Feld, L.L.P. 1333 New Hampshire Avenue, N.W., Washington D.C. 20036), I respectfully submit these Reply Comments regarding the allocating of Channel 288A by the Federal Communications Commission.

Ginna Jones has asked the Commission to modify Section 73.202(b) of its rules by allocating Channel 288A to Depoe Bay, Oregon rather than Waldport, Oregon. In her Counterproposal (paragraph 3), Jones states, "There are no television stations or AM or FM radio stations licensed to Depoe Bay. Thus, allocation of Channel 288A to Depoe Bay would serve the public interest and the Commission's allocation priorities by bringing a first local transmission service to Depoe Bay." What Jones fails to mention in her Counter Proposal is the close proximity of seven existing and operational radio stations to Depoe Bay, Oregon.

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The Counterproposal's Engineering Document, Statement of William F. Hammett, Consulting Engineer, gives geographic coordinates of 44° 48' 42" N 124° 03' 42" for Depoe Bay, Oregon. The following list of transmitter sites are offered for the Commission's consideration in this matter:

<u>Station</u>	<u>Mile/Km to Depoe Bay</u>	<u>Mile/Km to Waldport</u>
<b>KSHL FM -</b> (44° 45' 22" N 124° 02' 57")	3.89/6.2	18.31/29.48
<b>KSND FM -</b> (44° 53' 24" N 123° 58' 51")	3.51/5.64	18.31/29.48
<b>KYTE FM -</b>	3.51/5.64	18.31/29.48
<b>KCLM FM -</b> (CP approved, but not operational at this date)	3.89/6.2	18.32/29.48

All four of the above mentioned stations are located on what is known as Otter Crest, approximately nine (9) miles north of Newport, Oregon, and less than four (4) miles south of Depoe Bay, Oregon. Otter Crest overlooks Depoe Bay, Oregon to the north. As you can see by the miles and kilometers indicated, all four of the stations listed are closer to Depoe Bay, Oregon as compared to Waldport, Oregon.

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In addition, Lincoln City, Oregon, immediately north of Depoe Bay, Oregon, approximately fifteen (15) miles, has one (1) FM station, **KCRF**, and one (1) AM station, **KBCH** that also serve the Depoe Bay, Oregon area. Two other stations are also within close proximity to Depoe Bay to the south. **KZUS**-FM just north of Newport, Oregon, and **KNPT**-AM in Newport, Oregon.

Depoe Bay, Oregon is sandwiched between seven "on air" broadcasting stations, while one more has been approved and awaiting construction. The assignment of Channel 288A to Depoe Bay, Oregon would result in the ninth aural service to that area. While Depoe Bay, Oregon is currently adequately served, Waldport, Oregon is directly served by only one AM Daytime station, **KORC**.

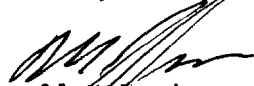
When Jarvis Communications, Inc. applied for a "Rulemaking Decision" for a class "A" FM station for Waldport, Oregon, it was a carefully thought out proposal intended to fill the void created by our low power assignment of 15 watts at night to **KORC**-AM. An FM station would allow 24-hour coverage and serve the public's interest better than an assignment to the already existing overcrowded congestion surrounding Depoe Bay, Oregon.

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The need for a full-time radio broadcast source that addresses the Waldport, Oregon area is attested to in the attached letter of support from the Lincoln County Director of Emergency Services, Jim Hawley.

Because of the need in the "South County" and the abundant number of radio stations already serving the Depoe Bay, Oregon area, I would again ask the Commission to allocate 288A to Waldport, Oregon. In the event that Channel 288A is allocated to Waldport, Oregon, Jarvis Communications, Inc. will promptly file an application for a construction permit for a new commercial FM broadcast station on Channel 288A, Waldport, Oregon.

Respectfully submitted,



Matt Jarvis  
President  
Jarvis Communications, Inc.  
P.O. Box 1419  
Waldport, OR. 97394  
(503) 563-5100

April 28, 1995

**CERTIFICATE OF SERVICE**

I Matt Jarvis, certify that on this 28th day of April 1995, copies of the foregoing "Reply Comment" were delivered or mailed, postage prepaid, to the following:

Secretary  
Federal Communications Commission  
Washington D.C. 20554

Ginna Jones  
by her Attorney: Margaret L. Tobey, P.C.  
Akin, Gump, Strauss, Hauer & Feld, L.L.P.  
1333 New Hampshire Avenue, N.W.  
Washington, D.C. 20036

  
Matt Jarvis



# Department of Emergency Services

Courthouse, Room 103  
225 West Olive Street  
Newport, Oregon 97365  
(503) 265-4199

April 20, 1995

Mr. Matt Jarvis  
Station KORC  
P.O. Box 1419  
Waldport, OR 97394

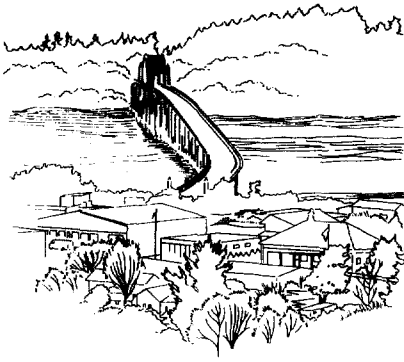
Mr. Jarvis:

This letter is in support of you acquiring an F.M. license for a FM station in the vicinity of Waldport.

In the event of an emergency in South Lincoln County, your AM transmitter, at night, will not give the coverage to disseminate important information to the citizens. If the emergency is local, there is the possibility the four FM stations in central and Northern Lincoln County would not give the South citizens the needed information. Only the local emergency personal, through a local station can give quick, needed, information. This was evident a few years ago when the sand spit, protecting Waldport, was washed away leaving Waldport exposed to winter storms. Besides the local emergency officials, we had county, corp of engineers, state highway, and even the governor's office involved. Yes, I certainly support a FM station in South Lincoln County.

Sincerely,

  
James Hawley  
Director



# City of Waldport

P.O. Box 1120  
Waldport, Oregon 97394  
(503) 563-3561

Alsea Bay

Federal Communications Commission  
Washington DC

## **SUBJECT: JARVIS COMMUNICATIONS INC., F.M. STATION REQUEST**

To Whom It May Concern,

I am writing this letter in support of JARVIS COMMUNICATIONS INC. ( J.C.I.) request for an F.M. station in our area. Jarvis Communications Inc. currently operates an A.M. radio station on the 820 band with call letters K.O.R.C. It is a 24 hour station with daytime power of 1,000 watts and nighttime power of 15 watts.

J.C.I. purchased the station about 3 years ago, raised the power and went to 24 hours. They became involved in the community, broadcasting local events and high school sports. In addition, they provide regular local and national newscasts.

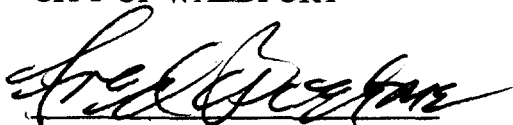
Because of the terrain of the Oregon coast, their signal is difficult to receive in some areas close to town. This is particularly true at night when they are required to power down.

An F.M. signal would enhance their ability to more effectively cover their listening area. This would provide many benefits to a small community like Waldport. These would include better coverage of City Council Meetings along with other community public events. School activities, both sporting and non sporting could be enjoyed by a larger listening audience, including parents that are unable to attend.

Other obvious benefits are that in the case of an emergency or natural disaster, additional people could be alerted. Public service announcements would have wider distribution.

I hope that you will give favorable consideration to this request.

Very truly yours,  
CITY OF WALDPOR



Mayor Fred O. Boehme